

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.22012 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 2 to 4 herein are trying to demolish the petitioner's house bearing Plot No.2009/2 situated at Peddamanyam Village and Mandal, Chittoor District without following principles of natural justice and without due process of law is illegal, arbitrary and violation of Article 300-A of the Constitution of India and consequently direct the respondents not to demolish the petitioner's house bearing Plot No.2009/2 situated at Peddamanyam Village and Mandal, Chittoor District.”

2. Heard Sri Atchuthananda Dondeti, learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings for the respondents.

3. According to the petitioner, the revenue authorities granted house site patta in favour of her father late Sri N.Siva Rama Krishnaiah in respect of Plot No.2009/2 situated at Peddamanyam Village and Mandal, Chittoor District on 29.09.1994. It is the case of the petitioner that earlier when there was a threat of demolition, the petitioner father filed W.P.No.32822 of 1997 and the said writ petition was disposed of by this Court, directing the respondents not to demolish the structure in the subject survey number, except in accordance with law.

3. It is alleged in this writ petition that now the respondent authorities, without adhering to the due process of law are coming and marking the building for the purpose of road widening. It is also the case of the petitioner herein that she made a representation on 06.07.2015 to the Executive Engineer/third respondent herein, requesting not to interfere with her possession and enjoyment and not

to dispossess her. It is further alleged that without considering the said request made in the said representation, the respondent authorities are often visiting the site and threatening with demolition.

4. It is submitted by the learned Government Pleader that the respondent authorities would not undertake any activity of demolition without recourse to law.

5. For the aforesaid reasons and having regard to the nature of the controversy, this writ petition is disposed of, directing the respondents herein not to demolish the house of the petitioner herein bearing Plot No.2009/2 situated at Peddamanyam Village and Mandal, Chittoor District, without recourse to law. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:15.07.2015

Note:

Furnish CC tomorrow.
grk



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Dated 15th July, 2015

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... Respondents